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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
09/836,589	04/17/2001	Shawn E. Wiederin	CDR00010	7867								
25537 VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD SUITE 500 ARLINGTON, VA 22201-2909	7590 10/22/2008		<div>EXAMINER</div> <div>CASLER, TRACI</div> <table border="1"><thead><tr><th>ART UNIT</th><th>PAPER NUMBER</th></tr></thead><tbody><tr><td>3629</td><td></td></tr></tbody></table> <div><table border="1"><thead><tr><th>NOTIFICATION DATE</th><th>DELIVERY MODE</th></tr></thead><tbody><tr><td>10/22/2008</td><td>ELECTRONIC</td></tr></tbody></table></div>		ART UNIT	PAPER NUMBER	3629		NOTIFICATION DATE	DELIVERY MODE	10/22/2008	ELECTRONIC
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: SHAWN E. WIEDERIN, RICHARD G. MOORE,  
DURAISAMY GUNASEKAR, GREGORY MUMFORD,  
LONNIE S. CLABAUGH , JON ABEL, and KOLLIN G. HOGUE

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Application 09/836,589  
Technology Center 3600

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Mailed: October 21, 2008

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 14, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on October 30, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

EXAMINER'S ANSWER, HEADINGS

A review of the file indicates that the Examiner's Answer filed November 29, 2007 does not comply with the guidelines provided in MPEP § 1207.02 because it does not contain all of the required heading items. Specifically, the Examiner's Answer must contain the following heading items in the following order:

- (1) *Real party in interest.*
- (2) *Related appeals and interferences.*
- (3) *Status of claims.*
- (4) *Status of amendments After Final.*
- (5) *Summary of claimed subject matter*
- (6) *Grounds of rejection to be reviewed on appeal.*
- (7) *Claims Appendix.*
- (8) *Evidence Relied Upon.*
- (9) *Grounds of Rejection.*
- (10) *Response to Argument.*
- (11) *Related Proceedings Appendix.*

An in-depth review of the Examiner's Answer indicates that the following sections are missing from the Examiner's Answer mailed November 29, 2007 and/or are not complete or clear in setting forth agreement or disagreement with the Appeal Brief:

(11) *Related Proceedings Appendix*

A substitute Examiner's Answer that is in compliance with the guidelines is required. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

Accordingly, it is ORDERED that the application be returned to the Examiner to:

- 1) consider the Reply Brief filed October 30, 2007 as indicated above;
- 2) vacate the Examiner's Answer mailed November 29, 2007;
- 3) generate a new Examiner's Answer in compliance with the guidelines provided in MPEP § 1207.02; and
- 4) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/vsh

Application 09/836,589

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